

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF GAMEFLY, INC.

)
)
)

Docket No. C2009-1

**APPLICATION OF GAMEFLY, INC.,
FOR NON-PUBLIC TREATMENT OF
DECLARATION OF SANDER GLICK
(August 15, 2013)**

Pursuant to 39 C.F.R. § 3007.22, GameFly, Inc. ("GameFly") applies for nonpublic treatment of the Declaration of Sander Glick that GameFly is filing separately today. Mr. Glick's Declaration provides methodological critiques of the cost analysis set forth in Postal Service library reference USPS-R2013-6/NP1 (filed August 5, 2013), which estimates the Postal Service costs attributable to Netflix and GameFly DVD mail.

GameFly does not believe that Mr. Glick's declaration, if made public, would injure the proprietary interests of the Postal Service, Netflix, GameFly, or any other person. Nevertheless, because Mr. Glick's declaration is derivative of Postal Service library reference USPS-R2013-6/NP1, and the Postal Service has designated the library reference as proprietary, GameFly is taking the precaution of filing Mr. Glick's declaration under seal as well. GameFly is simultaneously serving copies of the declaration by email upon counsel for the Postal Service (Mr. Daniel J. Foucheaux, Jr., and Mr. John F. Rosato) and Netflix (Ms. Joy M. Leong), and will inform the Commission as to whether either party seeks to maintain any part of Mr. Glick's declaration under seal. If no party seeks to

maintain the declaration under seal, GameFly will unseal it. If any party seeks to maintain any portion under seal, GameFly will report that fact.

GameFly has today filed two copies of the Mr. Glick's declaration under seal with the Commission (along with two CDs containing electronic versions of the declaration) and served copies of the declaration upon counsel for the Postal Service, Netflix, and the Public Representative. Because GameFly does not know what portions, if any, the Postal Service or Netflix will seek to maintain under seal, we have not attempted to create a public version of the document with the confidential information redacted.

Respectfully submitted,

A handwritten signature in black ink that reads "David M. Levy". The signature is written in a cursive, flowing style.

David M. Levy
Matthew D. Field
VENABLE LLP
575 7th Street, N.W.
Washington, DC 20004
(202) 344-4732

Counsel for GameFly, Inc.

August 15, 2013